

Manure Management Task Force

Manitowoc Public Information Session

4-7 pm

Task force members present: Dan Fisher, Kevin Erb, Andrew Hanson, Dan Brick

After the brief introductions by Task Force members, Richard Castelnovo presented a PowerPoint slide show summarizing the Task Force's work, what the Task Force learned over the course of its existence, and the Task Force's recommendations. Public comment followed, with 15 individuals speaking. Their testimony is summarized below. In addition, several submitted written comments at the hearing, which is summarized after the testimony below.

John Kappelman, 7420 Co. Hwy Q, Manitowoc, WI 54220

Mr. Kappelman is a farmer in Manitowoc Co. Has no problems with the recommendations and sees the recommendations as common sense; he asked whether the same rules apply across the board, because he is asked by a municipal sewer utility to dump raw sewage on his farm, in winter. He thinks the dairy industry is leaving Wisconsin. About 20-25% of Manitowoc's economy is dairy-based; will the "milkshed" (geographic area that supports dairy-based industry) be here in 10-20 years? Farmers concerned about business succession would plan for it; dairy succession planning isn't happening. He has 50 households that are closer to his milking parlor than he is. To maintain a dairy industry in Wisconsin farms and nonfarmers are going to have to respect each others rights.

Dale Avery, 12016 San Rd, Whitelaw, WI 54247

Mr. Avery is a landowner who had a neighbor's manure spill contaminates his well. His family, as well as two other families with young children, were affected. He noted that after his well was contaminated that there was virtually no help from DNR or any other governmental agency to assist with well remediation. He is pleased that the recommendations include provisions to help with recovering the costs associated with building new wells. He believes that farmers need to be education how manure should be spread. He also stated people need to consider the costs to the homeowner for well clean up in addition to the cost to the farmer for provisions needed to properly apply manure. His registration card:

1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	No
2	Improve data collection on manure runoff events	Needs more work
3	Improve research efforts through better coordination of priorities	Need more input

4	Develop manure spreading advisory or notification system	Yes
5	Provide more cost-sharing for nutrient management plans	No
6	Improve emergency response with focus on farmer planning	Yes
7	License or certify manure haulers	No help
8	Compensate landowners for manure contaminated wells	Yes
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	

Bernard Starzewski, 827 N. 8th St., Manitowoc, WI 54220

Used to farm. Neighbor of the Statz near Collins. In 1979-80 the Manitowoc River Watershed program installed manure storage on his farm. The requirement then was for 12 months of storage, with 18 months recommended. Some farms may be too large since storage for thousands of cows for 12 months would cover 40 acres. The state may need to phase in requirements that specify storage of manure and the state may need to implement size limitations on farms. Larger farms are cutting corners and complaining about regulations. His registration card:

	Option	Comments (Use the back side to provide additional comments)
1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	
2	Improve data collection on manure runoff events	
3	Improve research efforts through better coordination of priorities	
4	Develop manure spreading advisory or notification system	
5	Provide more cost-sharing for nutrient management plans	Yes

6	Improve emergency response with focus on farmer planning	
7	License or certify manure haulers	Yes
8	Compensate landowners for manure contaminated wells	Yes
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	Yes
10	Other	Phase in a ban of winter spreading. Require 18 months storage.

Wilmer Geiser, N3724 Weiteks Rd, Chilton, WI 53014

He is an almost 60 year old farmer and town chairman of Charles Township. He is getting out of farming soon. Has a tie-stall barn. He sees freestall barns and liquid manure as the future of dairy. The recommendations are common sense. We need to find a balance of where manure can be spread and not in high risk areas. We also need to invest in the dairy infrastructure to insure that the dairy industry remain a viable industry in Wisconsin. He said that we are nearing the point of no return for dairy in Wisconsin; the attitude of "buy for less" is driving smaller operators out of business. The trend is for larger operations, so we need to plan, research and prepare for larger operations and regulate as a last resort.

The Task Force recommendations are not a finished product yet.

Dave Pozorski, WI Assn of Lakes, Manitowoc Co. Lakes Assn, 8833 Carstens Lake Dr., Manitowoc, WI 54220

Mr. Pozorski is a railroad employee; he has reported manure spills he sees along railroad ditches, which are sometimes not visible from roads. He wants clean water in the County. Liquid manure is the biggest threat to Manitowoc County waters. He knows of 20 instances of manure spills. In 1985-86 a manure spill resulting from winter landspreading of manure affected a lake, and since then that lake has had numerous fish kills due to the long-term impacts of all the nutrients that went into the lake. He sees a neighbor, a veal operation, dump manure on a bare field year around regardless of need. He is a firm believer in the need for nutrient management plans. Manure haulers should be licensed. A license that could be taken away would be a good thing. (Written testimony included).

	Option	Comments (Use the back side to provide additional comments)
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1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	
2	Improve data collection on manure runoff events	Statewide I believe there is none; must start
3	Improve research efforts through better coordination of priorities	
4	Develop manure spreading advisory or notification system	
5	Provide more cost-sharing for nutrient management plans	
6	Improve emergency response with focus on farmer planning	
7	License or certify manure haulers	Definitely this is a must to include farmers- contractors- applicators/all help.
8	Compensate landowners for manure contaminated wells	How?
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	
10	Other	

Russ Tooley, Centerville CARES, P.O. Box 275, Cleveland, WI 53015

He thinks it is unacceptable that people are expected to live with manure spills. He lives near two streams that drain to Lake Michigan; one was a trout stream. It had a fish kill. The DNR looked at it for a couple of months, then turned monitoring over to the polluter. From February to October 2005 Mr. Tooley wasn't allowed to look at the record because the spill was "under investigation." He believes that the public deserves a more prompt response to identified manure spills and that there is presently a lack of enforcement for these type of discharges. The stream is within walking distance of his house. There were two spills on the other stream. One was considered minor, but that was because the fish were already dead from the first spill – and nothing happened after the first spill.

It is common sense to require a winter spreading plan

It is common sense to not require cost-share

It is common sense to require an emergency response plan

It is common sense to require well compensation

It is common sense to require permitted farms to pay for monitoring

It is common sense to require manure haulers to be trained and licensed

Did the Task Force consider how much manure is produced in Wisconsin? Does it have any idea how large the problem is?

Even if a producer is caught, what are the chances of him/her being penalized?

How long do we need to live with the results of a manure spill?

What is the cost of manure pollution?

What is the cost of lost fish recreation?

The agriculture industry and Task Force need to focus on bad actors so severe consequences occur; without enforcement or regulation it is profitable to keep polluting.

We need to increase implementation of nutrient management plans.

He views cost-share as blackmail; “unless you pay me to take proper care of manure I will dump it.”

	Option	Comments (Use the back side to provide additional comments)
1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	Yes
2	Improve data collection on manure runoff events	Yes
3	Improve research efforts through better coordination of priorities	Yes
4	Develop manure spreading advisory or notification system	Yes – without taxpayer money
5	Provide more cost-sharing for nutrient management plans	No!!
6	Improve emergency response with focus on farmer planning	Yes – without taxpayer money
7	License or certify manure haulers	Of course
8	Compensate landowners for manure contaminated wells	Of course
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	Dumb if it is a <u>free pass</u>

10	Other	
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Andy Wallender, Kewaunee Co. LWCD, 127 Commerce Dr., Luxemburg, WI 54217

County Conservationist. Provided written testimony; of recommendations recently developed by a local group of conservation professionals that are involved in conservation efforts as part of their day to day job summarized below:

1. Winter manure spreading prohibition areas (above and beyond the present 590 standard) are needed in shallow bedrock areas. (These restrictions specifically apply to liquid applications from January through March.)
2. Winter manure spreading prohibition areas (above and beyond the present 590 standard) are also needed in other areas where waters of the state could potentially be adversely impacted.
3. There needs to be a higher priority for lending institutions to finance manure management practices.
4. More emphasis must be placed on education of all local individuals responsible for storing, transporting and applying manure.
5. There needs to be more consistent documentation of the specific manure-related land use activities that are contributing to groundwater contamination
6. Flexibility needs to be built into statewide legislation, rules and policies, so that regional areas with high-risk geology or other sensitive environmental features can be protected at a higher level than the norm. Regulations need to be set locally to adequately protect water resources.

Kenneth Buelow, Holsum Dairy, N5701 Irish Rd., Hilbert, WI 54129

Proper management of lagoon storage is a problem that needs to be solved.

We need to look at the positive side of the use of manure – it provides a natural source of fertilizer and uses less energy than commercial fertilizer.

We need to look at the positive side of livestock raising, provides food, provides open areas, provides jobs, provides open areas for groundwater recharge, provides and area for wildlife, and provides a tax base.

We need to be careful when considering instituting size requirements on farms, it needs to be based on facts and management practices used on the operation.

The problem of manure discharge is not size dependent, it is a problem of both large and small farms and is dependent on management

One solution may be cost-shared storage that is now sitting empty because the current owner is no longer farming.

Greg Coulthurst, Door Co. SWCD, 421 Nebraska, Sturgeon Bay, WI 54235

Door County Conservation Technician. 52 spills have focused attention on this issue; Door County has been dealing with this issue for decades. Solution is to stop winter spreading. There have been 18 well contaminations per year; landowners need to be compensated. Costs of managing manure needs to be compared to the costs of correcting the impacts of improper

manure management. The milk surcharge is a good idea to pay for storage. NR 243 is requiring 6 months storage of CAFO; we should require all farms to have storage.

Require all farms to have winter spreading plans. The 590 standard is not sufficient to protect groundwater.

Farming is evolving from a family to a corporate activity; this needs to be addressed.

Commercial fertilizer isn't applied in the winter because it is wasteful; farmers pay for fertilizer; need to have the same attitude about manure.

Door County is now seeing groundwater contamination on deep soils; Dodge County has had contamination on soils 10 feet deep.

The prohibitions need to include a prohibition on winter land application of manure.

Need to hold farmers accountable.

Enforcement is needed to hold the least responsible farmer accountable for their actions.

Often occurrences of manure discharges and water contamination are not reported.

Scott Treml, E758 Church Rd., Luxemburg, WI 54217

Showed us a picture of his daughter. [Back story: Andrew Hanson and Midwest Environmental Advocates represented Treml against a neighbor who spread manure that contaminated Treml's well and resulted in his daughter being hospitalized. Neighbor settled before trial] Two reports (Shaw, Earthtech) prove well was contaminated by farmer across the road. He told people that if you bring charges you will be target for retaliation.

The recommendations do not go far enough:

- Ban spreading liquid manure in winter;
- Polluter should be required to replace septic and well
 - Replacing a septic system or well can cost 20% of a family's income, with no cost-share;
 - Manure storage costs 3% of CAFO income to build
- Use §254.59, Wis. Stats. To enforce; County Health department enforces this
- Department of Justice can't do anything unless DNR refers for enforcement; DNR doesn't do this and didn't in his case.
- This is unconscionable.
- A well reimbursement program may open the state to liability
- The farmer who contaminated his well paid \$100,000 in state fine, and paid Treml \$80,000; Treml uses his contaminated well to water his lawn (a nice, green lawn).
- Ban liquid manure spreading in winter.
- Manure is valuable; you don't buy fertilizer to dump it in the creek.
- Look at Senator Lasee's website; he is asking for obstacles people may have faced in dealing with the Department of Natural Resources over-enforcing laws and regulations.

	Option	Comments (Use the back side to provide additional comments)
1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	No; ban winter spreading
2	Improve data collection on manure runoff events	(This is very simple) Yes, provide accurate estimates of spill

3	Improve research efforts through better coordination of priorities	Yes, between county, state and feds
4	Develop manure spreading advisory or notification system	Yes, this is a health issue
5	Provide more cost-sharing for nutrient management plans	NO, no one cost-shared the damage to my property due to winter spreading
6	Improve emergency response with focus on farmer planning	Yes, there are NO! emergency response plans in effect
7	License or certify manure haulers	Yes
8	Compensate landowners for manure contaminated wells	Only from the responsible party, not the state
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	NO!!
10	Other	

Tom Ward, Manitowoc County UW Discovery Farms Advisory Committee, 4319 Expo Drive, Box 51, Manitowoc, WI 54220

We support the recommendation to have DATCP develop a statewide certification or licensing program for manure haulers that builds on the voluntary professional certification program. (Written comments included). Non-certified manure applicators are usually involved in the events that cause problems related to manure events.

He also said that while the state has one year of data, Manitowoc County has 20 years of data. They constructed their manure storage ordinance based on those data. A recent “valve failure” led to a search of the record; there were three “valve failures” in the past 20 years. These data are a way to evaluate standards. Tracking and documenting manure events was also used to develop the Manitowoc Manure Ordinance and is useful to determining what problems exist and ways to correct these problems.

The report does not talk about a follow-up process; he suggests an annual committee meeting.

Judy Treml, E758 Church Rd., Luxemburg, WI 54217

She has a three-ring binder of photos taken shortly after liquid manure was spread on a number of fields, under a number of different management systems (immediate incorporation, no incorporation, etc.) She loaned the binder to Andrew Hanson.

- Ask the Task Force to make the recommendation to the DNR to ban winter Spreading.
- DNR does not monitor WPDES permits
- DNR does not ensure nutrient management plans are being followed
- DNR is not adequately staffed
- County cannot enforce ordinance either if it is stricter than state rule.
- Well compensation should come from the offender

Their new well is a 300 foot deep well with 200 feet of casing. Their neighbor spread 84,000 gallons in 40 degree weather; the DNR ordered him to stop, but then let him spread on land across the road from her house. Her neighbor – 8 months pregnant – showed her green well water from her well. The Tremel well was tested 24 days before manure was spread; it was safe.

	Option	Comments (Use the back side to provide additional comments)
1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	NO: full ban on winter spreading of liquid manure on CAFOs and/or require winter spreading plans on non-permitted farms
2	Improve data collection on manure runoff events	Yes
3	Improve research efforts through better coordination of priorities	Yes
4	Develop manure spreading advisory or notification system	Yes – since this is a serious health issue
5	Provide more cost-sharing for nutrient management plans	No
6	Improve emergency response with focus on farmer planning	Yes
7	License or certify manure haulers	No
8	Compensate landowners for manure contaminated wells	Yes; not by the state, but by the offender.
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	Yes
10	Other	Develop resource panel for homeowners whose well is contaminated. Having someone or a group of individuals who can provide resources and information aside from just a well compensation standpoint.

Ann Zelinski, 5124 Old Hwy Y, Maribel, WI 54227

Recommendations fail to use the data we already have: do not spread in winter or REQUIRE a winter spreading plan. Nutrient management plans will have little effect without a ban on winter spreading.

Require an emergency response plan, don't just recommend one.

Require manure hauler certification.

Public interest: who on the Task Force is an expert on public health? Anything short of requirements do not go far enough. Some people need requirements; they are probably the ones who were the impetus for the Task Force.

	Option	Comments (Use the back side to provide additional comments)
1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	<u>NO</u> : Ban winter spreading or REQUIRE winter spreading plans
2	Improve data collection on manure runoff events	Yes
3	Improve research efforts through better coordination of priorities	Yes
4	Develop manure spreading advisory or notification system	NO, require one
5	Provide more cost-sharing for nutrient management plans	Yes, but plan should be required
6	Improve emergency response with focus on farmer planning	Require emergency response plans by farmers
7	License or certify manure haulers	Yes
8	Compensate landowners for manure contaminated wells	Yes
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	No operation should be exempt
10	Other	

Kevin Nysse, representing Wisconsin Cattleman's Assn & himself, 15634 Old Hwy CC, Maribel, WI 54227

Has an 80 acre farm, raises beef; winter spreads solid manure. Cost-share is a requirement for smaller operators. \$7-14 million may not be enough. Small farms will be the first to go.

Education is needed to inform farms of proper manure management practices and of information sources that exist.

	Option	Comments (Use the back side to provide additional comments)
1	Increase use of winter spreading plans, manure hauling procedures and emergency response plans	The plans are available already but most smaller farms do not use them
2	Improve data collection on manure runoff events	
3	Improve research efforts through better coordination of priorities	
4	Develop manure spreading advisory or notification system	
5	Provide more cost-sharing for nutrient management plans	Make enough money available so all producers can make improvements not just a select few
6	Improve emergency response with focus on farmer planning	
7	License or certify manure haulers	Farmers do not need another rule because they know how to haul already
8	Compensate landowners for manure contaminated wells	They need to make sure wells are updated to code – can you point out the source?
9	Pilot test regional program that promotes superior environmental performance by offering limited enforcement	This is a great idea to explore because it will help farmers do preventive things to help reduce runoff
10	Other The reason there are more spills is because there are more people watching	Farmers can only do so much. Some of the problems arising are because of more houses where they do not belong (in the country)

Tom Myers, 2317 Wisconsin Ave., New Holstein, WI 53061

Rural veterinarian since 1971; works for Holsum Dairy on their Green Tier program. Violations go on for years, and violators need to be prosecuted and violators need to pay for their violations; well compensation needs to come from producer funds, not the state.

He has called Humane officer when he sees animal cruelty.

Trying to make rules that fit the entire state is not reasonable when the variety of soils and conditions are taken into account.

Take care of people under the big part of the bell curve; don't worry about the outliers.

Taking an educational approach to help farmers comply by pointing out what is wrong with their operation and allowing them to fix the problem is more productive than regulators that come around to shut farms down.

Gina Steinke, W5583 Hwy S, Juneau, WI 53039.

[Ms Steinke testified after I tured off the tape recorder, but provided written testimony and also emailed me with her comments]. (The DNR recorder was still running, there were no substantive comments other than the submittal of written comments.) Her family's well was contaminated by E. coli on February 10, 2005; theirs was not the only one; two others west of Juneau were also contaminated. All three homes are surrounded by Nehls Brothers farms, Ltd. And it is likely that the contaminations were a result of this farm operations overspreading both liquid and solid manure on these fields. Nehls Brothers has a WPDES permit that they have violated many times, but have never been fined a penny. Ms. Steinke and her husband were forced to take out a home equity loan to cover the \$14,000 cost of a new well.